



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,955	08/27/2001	Chad C. Steele	BC-0112-P04	7282
24994	7590	02/27/2004	EXAMINER	
GAMBRO, INC PATENT DEPARTMENT 10810 W COLLINS AVE LAKEWOOD, CO 80215			BIANCO, PATRICIA	
			ART UNIT	PAPER NUMBER
			3762	9
DATE MAILED: 02/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/940,955

Applicant(s)

STEELE ET AL.

Examiner

Patricia M Bianco

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23, 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

***Response to Amendment***

In the amendment filed 12/12/03, applicant amended claims 21-23 and added new claim 27.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 and 27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lyle et al. (5,956,023). Lyle et al. (hereafter Lyle) teaches of medical processing device having a control system that can be operator controlled or automatic, depending on preference. The medical device is a separation system 10 for processing whole blood into its components (i.e. apheresis) includes a centrifuge 12, a disposable fluid processing assembly (i.e. at least one blood passageway), a pressure monitor (i.e. a sensor) and a controller 18 for presiding over the system and its operation. The system controller monitors the functions and overall processes control of the blood separation system and its components via a main processing unit (MPU). The MPU employs a microprocessor that allows for real-time monitoring and tasking including a timer for preempting the steps carried out in the process. The MPU is in communication to receive input and deliver output to the main parts of the system, such as the

Art Unit: 3762

centrifuge, pumps, tubing, sensor etc.. The MPU may have an interactive operator interface for the operator to view, comprehend, troubleshoot and change the function and performance of the system. The display may be in alphanumeric or graphical images along with a voice prompt to instruct the operator to take action. The MPU has a status region that continuously shows prescribed procedure-dependent information and general information to keep the operator apprised of the status of the process. The operator may use the working region of the MPU to monitor and change aspects of the ongoing process. The operator may use the interface of the MPU to find and select any of detailed procedures, functions and options of the system. The operator may perform these functions using touch activation. Lyle discloses the invention substantially as claimed, however, fails to disclose specifically that the operator performs the steps of first prompting of a condition that is a problem relating to the method and second prompting the apheresis system to perform a remedial action. As Lyle discloses, the operator may check the status and/or working regions for the prescribed procedure-dependent information and general information and further teaches that the operator may use the working region of the MPU to monitor and change any aspects of the ongoing process. It is the position of the examiner that during this monitoring, any of the information in the stored procedure may need to be changed to account for changes in the patient during the ongoing procedure. These changes are seen to be equivalent to the claimed problem relating to the method and the operator would change the prescribed procedure using the MPU, thereby performing the second prompting or remedial step. With respect to the new limitations

Art Unit: 3762

in amended claims 21-23 and new claim 27 of displaying a plurality of conditions and wherein the plurality of conditions comprises displaying a first set of conditions on a first screen and displaying at least one further set of conditions on a second screen, Lyle discloses these steps. Lyle discloses that the operator interface manager has positions on the top right and left sides and the bottom center portions of the status region for the alarm and note fields (88/90/92) as shown on figure 6. These positions show multiple alarm or other warnings that are of in need of correction. Each of these status regions is seen to be equivalent to multiple screens since they each display individual alarm or warning conditions. See column 15, line 10- column 16, line 56

### ***Response to Arguments***

Applicant's arguments filed 12/12/03 have been fully considered but they are not persuasive. Applicant argues that Lyle discloses a system that identifies only a single alarm at one time, never displaying multiple alarms. The examiner respectfully disagrees. It is the position of the examiner that the limitations of a plurality of conditions comprises displaying a first set of conditions on a first screen and displaying at least one further set of conditions on a second screen is met by Lyle. As discussed above, Lyle discloses that the operator interface manager has positions on the top right and left sides and the bottom center portions of the status region for the alarm and note fields. These positions show multiple alarm or other warnings that are of in need of correction. Each of these status regions is seen to be equivalent to multiple screens since they each display individual alarm or warning conditions.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

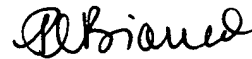
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia M Bianco whose telephone number is (703) 305-1482. The examiner can normally be reached on Monday to Friday 9:00-6:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 25<sup>th</sup>, 2004



Patricia M Bianco  
Primary Examiner  
Art Unit 3762